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OFFICE OF PETITIONS

In re Application of :
Yee Chung Fu :
Application No. 10/723,400 : **DECISION GRANTING PETITION**
Filed: November 25, 2003 :
Attorney Docket No. KUO-P103-IC :

This is a decision on the petition filed March 10, 2004, that is responsive to the "Notice Of Omitted Items in Nonprovisional Application" (the "Notice") mailed February 26, 2004.

On November 25, 2003, the application was deposited.

On February 26, 2004, the Office of Initial Patent Examination mailed the Notice stating that Figure 1A as described in the specification appeared to have been omitted. The Notice allowed a non-extendable period for response of two months from its mailing date. The instant petition was filed on March 10, 2004, along with one sheet of drawing containing Figure 1A and a supplemental declaration. Petitioner indicated that petitioner is willing to accept the date that Figure 1A was filed as the application filing date.

In this case, however, it has been determined that drawings are not necessary to understand at least one claim within the meaning of the first sentence of 35 USC 113. It has been PTO practice to treat an application that contains at least one process or method claim as an application for which a drawing is not necessary for an understanding of the invention under 35 U.S.C. 113 (first sentence). A review of the record reveals that Claim 25 is a method claim. Therefore, the present application is deemed to be an application that does not require a drawing for an understanding of the invention. Accordingly, the application, as filed, was entitled to the filing date of November 25, 2003.

In view of the above, the petition is **granted**. If petitioner still desires a filing date of March 10, 2004 (the date Figure 1A was filed), petitioner should file a renewed petition requesting that this decision be vacated and the later filing date accorded.

The petition fee of \$130.00 will be refunded, in due course.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of November 25, 2003. Prior to the first action on the merits, petitioner should file a preliminary amendment requesting entry of Figure 1A.

Any inquiries related to this decision should be directed to the undersigned at (703) 305-0010

A handwritten signature in cursive script, reading "Kenya A. McLaughlin".

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions